

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE UBER TECHNOLOGIES, INC.,  
PASSENGER SEXUAL ASSAULT  
LITIGATION

Case No.: 3:23-MD-03084

**DEFENDANTS' LETTER BRIEF IN  
RESPONSE TO PTO 25 REGARDING  
TRIAL WAVE 1 [ECF NO. 2875]**

Judge: Hon. Charles R. Breyer  
Courtroom: 6 – 17th Floor

Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC (collectively, “Uber”) respectfully submit this response to the Court’s request in Pretrial Order No. 25 regarding Trial Wave 1. (ECF No. 2875)

Defendants note that WHB 1876 is subject to dismissal in full under Defendants’ pending Motion to Dismiss. (ECF No. 2791, at 24; 2791-1 at 6). If that motion is granted as to WHB 1876, Defendants respectfully request that the case be replaced with either of the following cases, neither of which presents a potential *Lexecon* concern that Plaintiffs have declined to waive, nor are the cases subject to a motion to dismiss in full:

Name	Case No.	State	Alleged Incident	Party Choice
WHB 318	24-cv-4889	NC	Touching of a Non-Sexual Body Part (Over the Clothes)	Defendants
WHB 832	24-cv-4900	NC	Touching of a Non-Sexual Body Part (Under the Clothes)	Defendants

Defendants otherwise are prepared to proceed with the cases as provided in PTO 25.

Respectfully submitted,

DATED: April 30, 2025

KIRKLAND & ELLIS LLP

By: /s/ Laura Vartain Horn

Laura Vartain Horn (SBN 258485)  
 Laura.Vartain@kirkland.com  
 555 California Street  
 San Francisco, CA 94104  
 Telephone: (415) 439-1625

Allison M. Brown (*pro hac vice*)  
 Alli.brown@kirkland.com  
 Jessica Davidson (*pro hac vice*)  
 Jessica.davidson@kirkland.com  
 KIRKLAND & ELLIS LLP  
 601 Lexington Avenue  
 New York, NY 10022  
 Telephone: (212) 446-4800

O’MELVENY AND MYERS LLP  
 Sabrina H. Strong  
 sstrong@omm.com  
 Jonathan Schneller  
 jschneller@omm.com  
 400 South Hope Street, 19th Floor  
 Los Angeles, CA 90071  
 (213) 430-6000

SHOOK, HARDY & BACON L.L.P.  
Patrick Oot (*pro hac vice*)  
oot@shb.com  
1800 K St. NW Ste. 1000  
Washington, DC 20006  
Telephone: (202) 783-8400  
Facsimile: (202) 783-4211  
O'MELVENY AND MYERS LLP  
Sabrina H. Strong  
Jonathan Schneller

Alycia A. Degen (SBN 211350)  
adegen@shb.com  
Michael B. Shortnacy (SBN 277035)  
mshortnacy@shb.com  
SHOOK, HARDY & BACON L.L.P.  
2121 Avenue of the Stars, Ste. 1400  
Los Angeles, CA 90067  
Telephone: (424) 285-8330  
Facsimile: (424) 204-9093

Christopher C. Cotton (*pro hac vice*)  
ccotton@shb.com  
SHOOK, HARDY & BACON L.L.P.  
2555 Grand Blvd.  
Kansas City, Missouri 64108  
Telephone: (816) 474-6550

*Attorneys for Defendants*  
UBER TECHNOLOGIES, INC., RASIER,  
LLC, and RASIER-CA, LLC